

## Procurement & Property Division Policy Memorandum

**Subject: Preparation and Approval of Justification for Other Than Full and Open Competition/Sole Source Justification**

**Number:**  
FAR 6-03

**Distribution:**

ARS: AAOs  
PAOs  
NAL  
AFM  
NASS  
ERS  
CSREES

**Date:** 06/09/99

**This Replaces:**

PM 6-01 dated  
4/30/96 and  
  
PM 6-02 dated  
8/8/96

### Background

On August 19, 1996, Federal Acquisition Circular 90-39 revised Federal Acquisition Regulation 6.304 to raise the dollar thresholds at which approval for the use of other than full and open competition must be obtained before acquiring goods and services. This memorandum supersedes all previous memorandums on this subject and is issued to provide clarification of the FAR as to approval levels, format and content of Justifications for Other Than Full and Open Competition (JOFOC).

### Policy Guidance

JOFOC's must include the information required by FAR 6.303-2(a) as well as the certification required by 6.303.2(b). Each JOFOC must be formatted as shown in Enclosure 1, which addresses the information required by FAR 6.303-2(a) and (b). Each paragraph number and title as shown in the enclosure must be included. If the information required by a paragraph is "not applicable," "N/A" should be indicated for that paragraph. Unless the reason is readily apparent, a brief explanation should be included as to why it is not applicable. Sole Source Justifications must be formal, and must include the same type of information required to be in a JOFOC.

Approval levels for Sole Source Justifications/JOFOC's are as follows:

**DOLLAR VALUE**

**APPROVING OFFICIAL**

\$2,500 to \$500,000

Contracting Officer

\$500,001 to \$10,000,000

The Chief, Policy Branch, PPD, as the  
Competition Advocate

\$10,000,001 to \$50,000,000

Deputy Administrator, Administrative  
and Financial Management (AFM)

\$50,000,001 and above

USDA Senior Procurement  
Executive

Action Required  
By REE  
Contracting  
Officers

Coordinate with Program Personnel to ensure that  
all JOFOC's include the information required by FAR 6.303-2 and that  
they are completed in the format shown in Enclosure 1. Ensure that all  
JOFOC's are approved at the proper levels as prescribed above.

PPD Point  
of Contact

Policy Branch, PPD, 301-504-1725

Approved:

\_\_\_\_\_/s/\_\_\_\_\_  
Richard G. Irwin  
Director  
Procurement and Property Division

Enclosure

**CERTIFICATIONS**

Requirements/Program Office:

I certify the facts and representations under my cognizance included in this justification form are complete and accurate basis for the justification.

(Signature and Printed Name)

Name Title Phone Date

Contracting Officer:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

(Signature and Printed Name)

Name Title Phone Date

**REVIEW/APPROVALS:**

If approval is required at a higher level than that of the REE Competition Advocate, the Competition Advocate must still review the document, and a signature block should be included to indicate this.

## JUSTIFICATIONS FOR OTHER THAN FULL AND OPEN COMPETITION (FORMAT)

### TITLE:

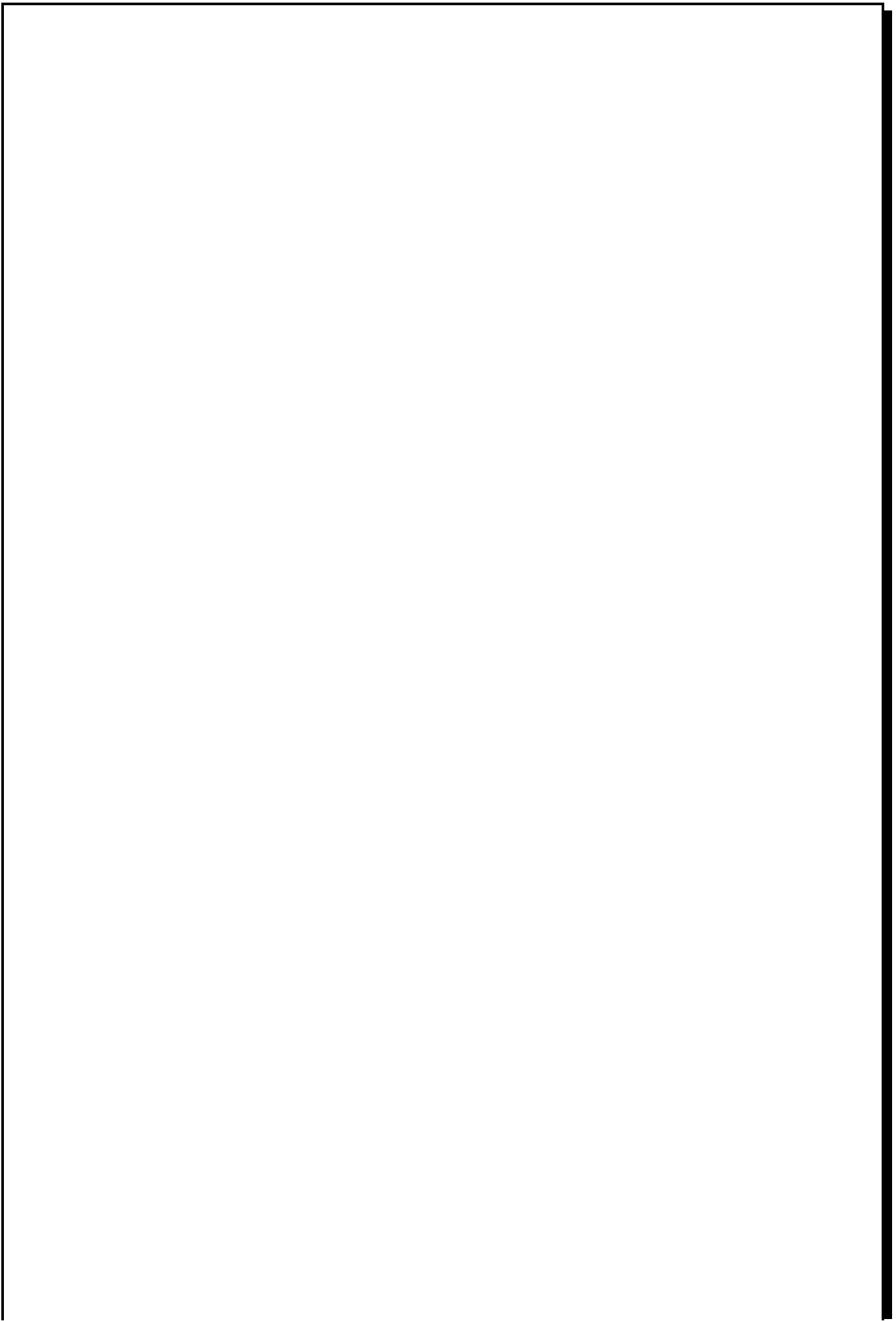
This title of each document shall be **JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**.

### CONTENT:

1. Contracting Activity. This paragraph includes the proper contracting activity address. A point of contact, along with a phone number, should be included.
2. Nature/Description of Action. This paragraph identifies the type of action being issued (i.e., contract, modification, order against a Basic Ordering Agreement (BOA), etc.) for what and by whom. The type of contract being contemplated to be addressed.
3. Description of Supplies/Services. This paragraph provides a complete and accurate description of the supplies and/or services being procured (including the estimated value) per FAR 6.303-2(a)(3). This description includes the intended use and quantities supplies/services. The description and estimated value of the requirements should be broad enough to allow for quantity increases, should the contract unit price be lower than originally estimated and/or additional requirements become known. If options are included, an estimated cost of the basic contract, each option, and the total estimated cost should be included.
4. Statutory Authority. This paragraph is written to include the appropriate United State Code referenced as well as cite the appropriate FAR section.
5. Demonstration of Contractor's Unique Qualifications. This paragraph is the most important paragraph of the JOFOC, it includes a concise narrative explaining why it is necessary to contract for the requirement using other than full and open competition.

For the urgency exception, provide a discussion of the nature of the urgency, reasons for its occurrence, and why it is "urgent and compelling." By law and regulation, failure to plan for expiring funds are not valid reasons for citing this exception.

6. Commerce Business Daily (CBD) Announcement/Potential Sources. This paragraph details all efforts to solicit as many sources as possible for the immediate requirement or subcontracting opportunities. State when the synopsis was published or reasons why a synopsis was waived, and cite the FAR reference authorizing waiver. State the number of responses received or if none were received, so state. Indicate that any responses will be assessed and discuss the specifics of any responses received in paragraph 10 of the JOFOC.
7. Determination of Fair and Reasonable Cost. This paragraph describes actions taken to ensure that the Contracting Officer will determine a fair and Reasonable price (e.g., obtain audit/field reports, perform cost and/or price analysis, etc.).



8. Market Survey. Market survey is defined as all efforts undertaken to develop potential sources and is separate from the FAR Part 5 synopsis required by law. This paragraph details attempts made to develop new sources. If no market survey is conducted, a concise explanation is required. Issuance of a synopsis as required in FAR Part 5 does not satisfy the requirement to conduct a market survey. A survey can include announcements in trade journals or telephone surveys with interested/knowledgeable individuals in and out of Government.

9. Additional Support. This paragraph includes any other facts supporting the used of other than full and open competition. If no additional information is available, so state. Additional supporting information might include:

- a. Providing an explanation of why technical data packages, specifications, statements of work, etc., required for full and open competition have not been developed and are not available.
- b. In follow-on acquisitions where the justification is that the acquisition must be sole source to avoid “substantial duplication of costs” that will not be recovered through competition, or to avoid unacceptable delays in fulfilling the requirement, providing an accurate estimate of the costs duplicated, how the estimate was developed, and the extent/impact of the delay which will result.
- c. When urgency is the justification, a detailed explanation providing additional data, additional estimated costs which will be incurred, and other rationale detailing the extent and nature of the harm to the Government.

10. Other Interested Sources. This paragraph information on synopsis response and other expressions of interest. The number of written responses to the synopsis should be identified here. Explain how each response was addressed. If no responses have been received, so state.

11. Actions Taken to Remove Barriers to Competition. This paragraph describes actions being taken to ensure that future buys will be competed. Additional actions taken to enhance competition might include challenging restrictive data markings, developing plan(s) to acquire unlimited data rights, the development of a second source, etc. If competition is planned, provide the estimated dates of the first competitive action. An explanation is required if no competition is planned. If future competition is not planned because this JOFOC covers all known requirements, so state.